**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor(s), I/We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BARS AND CONFECTIONERIES CONTAINING COCOA SOLIDS HAVING A HIGH
COCOA POLYPHENOL CONTENT AND STEROL/STANOL ESTERS AND PROCESSES
FOR THEIR PREPARATION**

The specification of which (check one) is:

☐ attached hereto.

☒ was filed on September 25, 2003 as Application No. 10/672,232 and amended on

☐ was described and claimed in PCT Application No. _____ filed on _____
and amended under Article 19 on _____.

I/We hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, § 1.56.

I/We hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or any PCT international application(s) having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> (Y/N)
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I/We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> (Y/N)
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I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial Number</u>	<u>Filing Date</u>	<u>Status</u>
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I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

John E. Kidd	Reg. No. 19,916	Drew M. Wintringham	Reg. No. 31,894
Victor Siber	Reg. No. 25,149	Mark Rueh	Reg. No. 43,896
Margaret B. Kelley	Reg. No. 29,181	Robert D. Schaffer	Reg. No. 33,775
Philip E. Roux	Reg. No. 31,295	David F. Ries	Reg. No. 43,046
Michael J. Pantuliano	Reg. No. 18,971	Charles S. Kwalwasser	Reg. No. 42,728
James V. Mahon	Reg. No. 41,966	C. Joseph Laughon, II	Reg. No. 31,389
Joseph P. Kincart	Reg. No. 43,716		

all of the firm of Clifford Chance US LLP, 200 Park Avenue, New York, New York 10166-0153, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all communications to:

Margaret B. Kelley
Clifford Chance US LLP
200 Park Avenue, New York, NY 10016
(212) 878-3145

Wherefore I/We request that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I/We hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or inventor # 1 Mark J. Chimel

Inventor's signature _____ Date _____

Residence Long Valley, NJ 07853

Citizenship United States

Post Office Address 6 Ashwood Trail, Long Valley, NJ 07853

Full name of sole or inventor # 2 John F. Hammerstone, Jr.,

Inventor's signature _____ Date _____

Residence Nazareth, PA 18064

Citizenship United States

Post Office Address 526 Fulmer Road, Nazareth, PA 18064

Full name of sole or inventor # 3 J. Christopher Johnson

Inventor's signature _____ Date _____

Residence Yardley, PA 19067

Citizenship United States

Post Office Address 539 American Drive, Yardley, PA 19067

Full name of sole or inventor # 4 Mary E. Myers

Inventor's signature  Date 1/29/04

Residence Lititz, PA 17543

Citizenship United States

Post Office Address 369 Harvest Drive, Lititz, PA 17543

Full name of sole or inventor # 5 Rodney M. Snyder

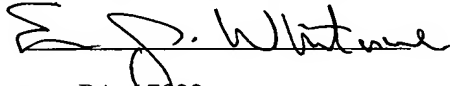
Inventor's signature  Date 1/29/04

Residence Elizabethtown, PA 17022

Citizenship United States

Post Office Address 200 Foreman Road, Elizabethtown, PA 17022

Full name of sole or inventor # 6 Eric J. Whitacre

Inventor's signature  Date 1/29/04

Residence Elizabethtown, PA 17022

Citizenship United States

Post Office Address 570 Miller Road, Elizabethtown, PA 17022

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Full name of sole or inventor # 1 Mark J. Chimel

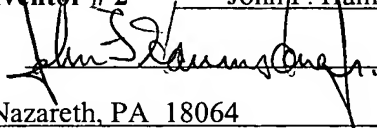
Inventor's signature  Date 27-Jan-04

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Full name of sole or inventor # 3 J. Christopher Johnson

Inventor's signature 

Date 1-27-04

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Full name of sole or inventor # 4 Mary E. Myers

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Date _____

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Post Office Address 369 Harvest Drive, Lititz, PA 17543

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Date _____

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